

The Advocate



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Online Tips to Do Your Part!

For and about small businesses and local governments affected by environmental regulations

PD-006/07-03

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The 80th Texas Legislature Enacts Broad Environmental Statutes

The 80th Texas Legislature that adjourned on May 28 enacted a wide range of environmental laws that will affect the TCEQ. Many of these laws will also affect small businesses and local governments. Some examples include:

- Air Quality SB12 -
 - Texas Emissions Reduction Plan (TERP) - SB 12 allows the commission to designate certain highways and roadways to count towards the requirement that grant-funded vehicles be operated at least 75 of the annual miles in the eligible counties. Also increased the maximum authorized cost-effectiveness from \$13,000/ton to \$15,000/ton. Additionally, SB 12 made other minor changes that will be incorporated into revised program guidelines.

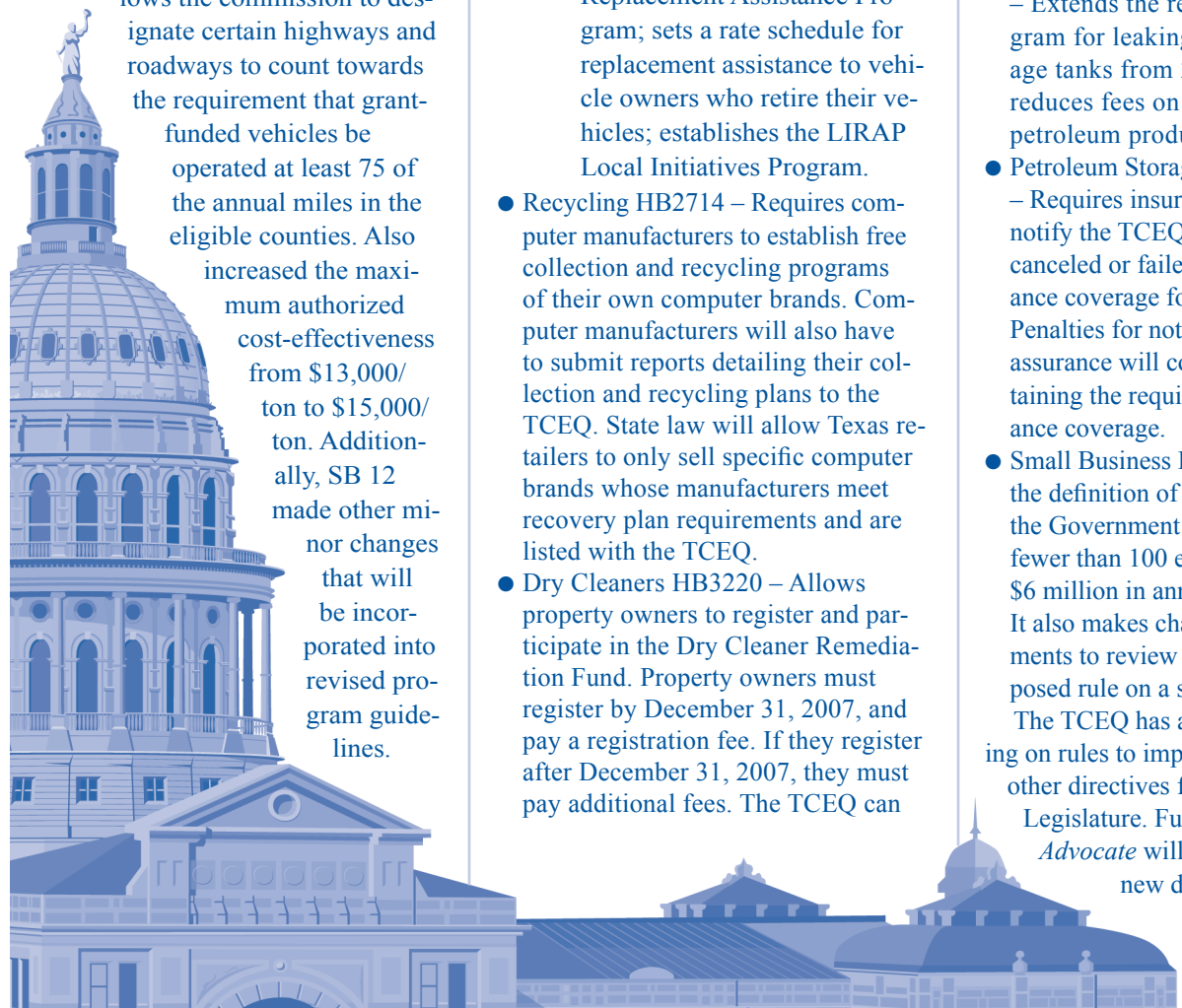
- Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP) - Amends the LIRAP by increasing vehicle owner's eligibility to three times the federal poverty rate; expands and enhances the AirCheck Texas Repair and Replacement Assistance Program; sets a rate schedule for replacement assistance to vehicle owners who retire their vehicles; establishes the LIRAP Local Initiatives Program.

- Recycling HB2714 - Requires computer manufacturers to establish free collection and recycling programs of their own computer brands. Computer manufacturers will also have to submit reports detailing their collection and recycling plans to the TCEQ. State law will allow Texas retailers to only sell specific computer brands whose manufacturers meet recovery plan requirements and are listed with the TCEQ.
- Dry Cleaners HB3220 - Allows property owners to register and participate in the Dry Cleaner Remediation Fund. Property owners must register by December 31, 2007, and pay a registration fee. If they register after December 31, 2007, they must pay additional fees. The TCEQ can

impose a lien on any property that is undergoing corrective action but does not pay the required registration fees. Once corrective action is complete, the dry cleaner cannot use perchloroethylene at the site in the future. If a nonparticipating drop station moves to a new location, it may retain its nonparticipating status.

- Petroleum Storage Tanks HB3554 - Extends the reimbursement program for leaking underground storage tanks from 2008 to 2012, and reduces fees on bulk deliveries of petroleum product.
- Petroleum Storage Tanks HB1956 - Requires insurance companies to notify the TCEQ if a PST facility has canceled or failed to renew its insurance coverage for financial assurance. Penalties for not maintaining financial assurance will cost more than maintaining the required minimum insurance coverage.
- Small Business HB3430 - Changes the definition of a small business in the Government Code to define it as fewer than 100 employees or less than \$6 million in annual gross receipts. It also makes changes to the requirements to review the effect of a proposed rule on a small business.

The TCEQ has already begun working on rules to implement these and other directives from the 80th Texas Legislature. Future issues of *The Advocate* will keep you updated on new developments and alert you of opportunities to comment. ■



Stationary Engines in the Dallas-Fort Worth and East Texas Areas Affected By New Rules

The TCEQ has adopted new regulations to control nitrogen oxides (NO_x) emissions from stationary engines in the Dallas-Fort Worth (DFW) and East Texas areas.

Owners or operators of major and minor sources of emissions operating stationary, reciprocating internal combustion engines in the DFW and East Texas areas may be subject to emission

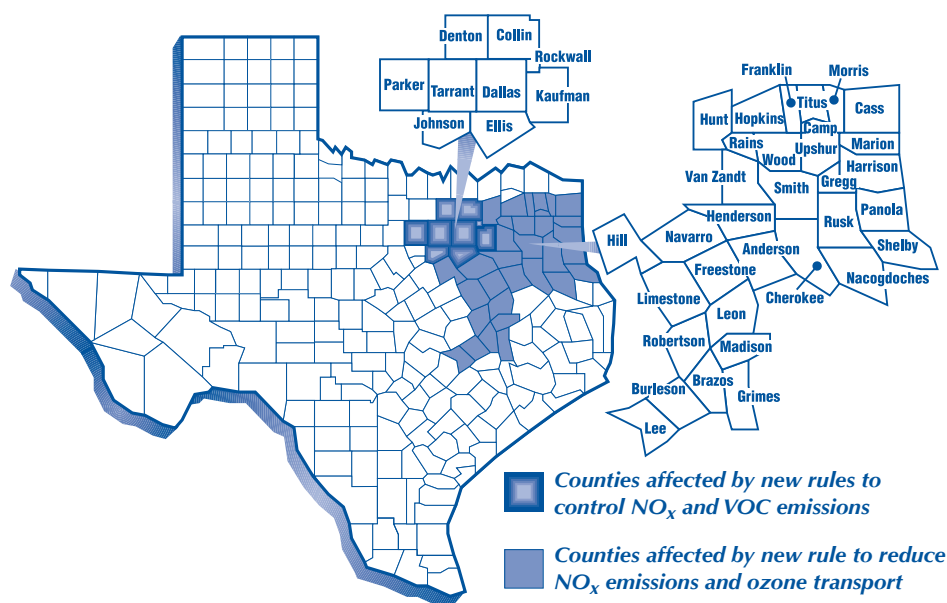
specifications and monitoring, testing, and reporting requirements. These requirements vary by equipment type and are outlined in the new regulations.

These new rules continue the TCEQ's efforts to help improve air quality in Texas. The DFW area currently does not meet federal air quality standards for ozone, based on EPA's 8-hour criteria. Ozone, a key component of smog, is created in the atmosphere when emissions of NO_x and volatile organic compounds (VOC) combine in the presence of sunlight. Therefore, the TCEQ is taking steps to reduce NO_x and VOC emissions in the DFW area. The counties affected by the newest NO_x rules include: Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant.

The new East Texas Combustion rule was adopted to reduce NO_x emissions and ozone transport (the movement of ozone-producing pollutants) into the DFW 8-hour ozone nonattainment area. The counties affected by this rule include: Anderson, Brazos, Burleson, Camp, Cass, Cherokee, Franklin, Freestone, Gregg, Grimes, Harrison, Henderson, Hill, Hopkins, Hunt, Lee, Leon, Limestone, Madison, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Robertson, Rusk, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood counties.

For more information about these new rules, please visit the TCEQ web site at <www.tceq.state.tx.us/rules/pendadot.html>. ■

Dallas-Fort Worth Area and East Texas Area Affected by New Rules



Small Regulated MS4 General Permit Issued

The general permit to authorize storm water discharges from small regulated municipal (publicly owned) separate storm sewer systems, the TXR040000, was adopted at the commissioners' agenda meeting on August 8 and became effective August 13.

A small regulated MS4 is one in an area with a population of less than 100,000 and located, or partially located, in an urbanized area as defined by the U.S. Census Bureau. A map detailing urbanized areas in Texas can be viewed at <<http://cfpub.epa.gov/npdes/stormwater/urbanmapresult.cfm?state=TX>>.

The TCEQ must receive a Notice of Intent (NOI) and a copy of the MS4's Storm Water Management Plan (SWMP) within 180 days of the effective date of the permit. Authorization begins after the applicant has received written notification from the TCEQ that the NOI and SWMP have been reviewed and the applicant has followed the public notice requirements listed in the general permit.

To learn more about the MS4 permitting program and to get copies of the general permit and the NOI, visit the TCEQ web site at <www.tceq.state.tx.us/permitting/water_quality/stormwater/storm-water-navigation/ms4.html>. ■

Disclaimer

This regulatory guidance publication does not take the place of the full, official TCEQ rules. It is intended only as a general explanation about selected parts of the rules. If you have questions about any information contained in this periodical, contact SBLGA at 800-447-2827.

Stage I Requirements for DFW Area

Owners and operators should have installed Stage I vapor recovery equipment by June 15, 2007, if they own or operate fuel-dispensing facilities for motor vehicles in Ellis, Johnson, Kaufman, Parker, and Rockwall Counties that have dispensed at least 10,000 gallons of gasoline but less than 125,000 gallons of gasoline in any calendar month after April 30, 2005.

Stage I Vapor Recovery Equipment captures vapors released during product transfer (truck to tank) and returns them to the truck's tank, preventing the release of vapors to the atmosphere. The absence of Stage I equipment or the failure to use Stage I equipment properly can contribute to poor air quality in your area; it also

violates state law and may be subject to significant monetary fines. You can read specific requirements in Title 30 Texas Administrative Code (TAC) Chapter 115 Subchapter C, Division 2.

For your convenience, the Texas Commission on Environmental Quality (TCEQ) maintains a list of approved Stage I equipment and Stage I compliance requirements on the following web page: <www.tceq.state.tx.us/implementation/air/vaporrecovery/vapor_recovery.html#stage1>.

If you have additional questions or need further assistance, please call the Small Business and Local Government Assistance hotline at 800-447-2827. The call is free and the information you share with us is confidential. ■

U P C O M I N G E V E N T S

SEMINARS, WORKSHOPS, AND CONFERENCES

Dam Safety Workshops for Owners/Operators

July 26 through August 30

Six one-day sessions

See dates and locations on the TCEQ web site

<www.tceq.state.tx.us/assistance/events/seminars/dam_safety.html>

Wastewater Record-Keeping and Reporting Workshop

Harvey Convention Center

August 27, Tyler

For registration information, contact the Texas Water Utilities

Association (TWUA) at 888-367-8982

Pollution Prevention Workshop

University of Texas Thompson Conference Center

September 26-27, Austin

For more information go to <www.tceq.state.tx.us/assistance/events/P2Workshops/p2workshop.html>

TCEQ Air Permitting Seminar

Hilton Hotel - Downtown

October 15-16, Austin

Sue Phillips, 512-239-6327

Small Business Advisory Committee (SBAC) Meetings

Golden Triangle SBAC - September 11 - Lori Palmer, 409-899-8789

Houston SBAC - September 19 - Clarence Gray, 713-767-3582

Local Specialists are Ready to Help You!

You have free, confidential help right in your back yard.

Region 1 - Amarillo

Patty Avery, 806-468-0505

Region 2 - Lubbock

Celeste Hoehne, 806-796-7642

Region 3 - Abilene

Mandy Ellifritz, 325-698-6104

David Hudson, 325-698-6122

Region 4 - Dallas-Ft. Worth

Tasha Burns, 817-588-5868

Region 5 - Tyler

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Region 6 - El Paso

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Glenda Swierc, 361-825-3421

Region 15 - Harlingen

Imelda Peña, 956-389-7427

Jonathan Diaz, 956-389-7428

Region 16 - Laredo

Carmen Ramirez, 956-721-8457

The Advocate

The Advocate is published quarterly by the Small Business and Local Government Assistance (SBLGA) Program of the Texas Commission on Environmental Quality (TCEQ).

You are currently on our subscription list to receive the quarterly rules update, The Advocate. Instead of receiving the paper copy in the mail, you now have the option of receiving e-mails from us when we post the latest issue in PDF format on our Web site at <www.tceq.state.tx.us/comm_exec/forms_pubs/pubs/pd/pd-006.html>.

If you would prefer e-mail instead of the printed copy, please e-mail us at <sbap@tceq.state.tx.us>. Be sure to let us know the name your subscription is under and the e-mail address you would prefer us to send to, if different from the one you use to contact us.

CALL ON US


Toll Free & Confidential: 1-800-447-2827

Get free, confidential help with questions on air, water, waste, or pollution prevention issues from this special section of the TCEQ. SBLGA works for you by:

- providing local environmental assistance when and where it's needed;
- giving small business and local government a voice in TCEQ rule and policy making.
- communicating technical information in plain language; and

On the Web at: www.sblga.info

SBLGA is entirely separate from TCEQ's enforcement program.

 The TCEQ is an equal opportunity/affirmative action employer. The agency does not allow discrimination on the basis of race, color, religion, national origin, sex, disability, age, sexual orientation or veteran status. In compliance with the Americans with Disabilities Act, this document may be requested in alternate formats by contacting the TCEQ at 512-239-0028, Fax 512-239-4488 or 1-800-RELAY-TX (TDD), or by writing P.O. Box 13087, Austin, TX 78711-3087.

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RETURN SERVICE REQUESTED

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